

**MARYLAND COMMISSION ON KIDNEY DISEASE  
OPEN SESSION MEETING MINUTES  
Thursday October 27, 2005  
4201 Patterson Avenue, Room 108-109**

The Open Session meeting of the Commission on Kidney Disease was held on Thursday, October 27, 2005 in Room 109, 4201 Patterson Avenue. The Chairman, Dr. Jeffrey Fink, called the meeting to order at 2:15 PM. Commission members present were: Drs. Kenneth Yim, Jose Almario, Dean Taylor, Roland Einhorn, Mr. Isaac Joe, Jr, Ms. Anne-Marie Gregory Ms. Tracey Mooney, CPA, Ms. Marianne Andrews, RN and Ms. Margery Pozefsky. Commission staff present were: Eva Schwartz, Executive Director, Leslie Schulman, AAG, Commission Counsel, and Donna Adcock, RN, Surveyor.

**DHMH staff present:** Carol Manning, Chief KDP; Pat Nowakowski, and Dee Spanos, RN, Medicaid Operations; and Barbara Fagan and Anne Piluk, OHCQ.

**Guests present were:**

Rhonda Rashad, American Access	Bill Frederick, Holy Cross
Diane Johnson, Davita	Debora Evans, UMMS
Joan Guest, Davita	Eric Thompson, UMMS
Christina Choi, American Access	Anne Gaffney, American Regent
Marc Allegro, Good Samaritan	Chris Simon, IDF
Michele Bradley, Bon Secours	Karen Lambrecht, Amgen
Joan Rogers, IDF	Heather Gould, Bon Secours
Leslie Meyers, Davita	Gloriann Herman, IDF
Susan Leon, Bon Secours	Karen Morgan, American Access
Juathawala Harris, Liberty Dialysis	Kathy Reed, Deer's Head
Jennifer Smock, Shire	Genny Murray, Davita
Toba Hausner, FMC	Frances Bedford, Davita
Ellen White, Peninsula Renal	Sandra Russ, Peninsula Renal
Sandra Purnell, Deer's Head	Marie Forbes, Deer's Head
Treanean Hart, Davita	

**I. APPROVAL OF JULY 28, 2005 MINUTES**

The Commission approved the Open Session minutes as submitted.

**II. CHAIRMAN'S REPORT**

- Transplant Committee

Dr. Fink reported that the transplant sub-committee is working on developing policies for directing the approach to surveying the transplant centers in the State.

Dr. Fink discussed the importance of emergency and disaster preparedness in the wake of Hurricane Katrina and the many hurricanes experienced this year. He noted that the dialysis patients are particularly vulnerable when these natural disasters occur.

**III. EXECUTIVE DIRECTOR'S REPORT**

Mrs. Schwartz welcomed everyone to the meeting and introduced Anne-Marie Gregory who has been appointed to the Commission by the Governor in the newly legislated category of *Renal Social Worker*. Ms. Gregory was nominated by the Maryland Chapter of the CNSW. Mrs. Schwartz informed the group that Dr. Luis Giminez has also been appointed, representing the Johns Hopkins School of Medicine. She noted that the Commission still has a vacant consumer position. She requested that anyone interested in serving on the Commission should forward their name and CV to the Commission office.

**IV. OLD BUSINESS**

**Social Work Task Force Update**

- Social Work Guidelines

Mrs. Adcock informed the group that the social work guidelines were distributed to the renal community on September 8<sup>th</sup>. These guidelines were developed in response to the renal social workers' concerns regarding equitable social services in the renal community.

Mrs. Adcock directed everyone's attention to the Commission's proposed regulations addressing the social work services in the dialysis facility. The proposed changes to the existing regulations include the setting of standards for monitoring individuals in a freestanding dialysis facility, and the minimal standards for renal social work responsibilities.

The Commission voted in favor of approving the proposed regulations. Dr. Einhorn noted that when in effect, these proposed regulations would provide a mechanism by which to verify via a survey social services provided in the facilities. These proposed regulations would set minimal social work standards in the State.

Mrs. Schwartz noted that the Commission is autonomous in promulgating regulations. The AELR will review the proposed regulations, whereupon they will be published in the Maryland Register with an opportunity for a comment period.

## **V. NEW BUSINESS**

### **A. Kidney Disease Program- Statistics and Budget**

Ms. Manning presented and discussed the KDP Budget, Statistics, and Expenditure Reports.

### **B. Medicare Part D**

Ms. Nowakowski reported that 2000 people to date have been added to the Medicaid roles since Hurricane Katrina. She added that these victims of the hurricane would be granted 5 months of services. The State may be reimbursed by the Federal government for the incurred costs.

Ms. Nowakowski discussed the impact of Medicare Part D on KDP recipients. The Department will strongly urge them to join Medicare Part D and will be sending a letter in the mail to the recipients. She emphasized that there might be future penalties assessed to those who do not enroll in the near future. She reviewed the benefits of Medicare Part D, which covers more medications than the KDP formulary, which covers only renal related drugs.

Mrs. Mooney and Ms. Gregory inquired whether the Department would issue Letters of Credible Coverage from the KDP, thus exempting the KDP recipients from enrolling into Medicare Part D at this time. Ms. Nowakowski stated she would check into this request, but currently there were no plans to issue these letters. Ms. Manning noted that because the KDP formulary is so limited they might not be able to issue them.

### **C. Criteria for Early Termination of Treatment**

Mrs. Schwarz asked the group about their facilities' policies regarding early termination of patient treatments. She noted that the Commission has received calls from angry patients because they are having difficulty at their respective facility, when they are requesting early termination of dialysis, and are being denied. A discussion ensued, and the Commissioners agreed that patients have the right to request to have their treatment terminated early. Facilities should have protocols for early treatment termination, and patient education and staff training are essential to effectively deal with these requests.

### **D. Facility Licenses**

Mrs. Adcock reported that she has noted on several surveys that the facility's license has been incorrect. The licenses may list the incorrect number of chairs or services provided. Mrs. Fagan reviewed the licensure process and noted that it is important that the facilities fill out their applications correctly and notify the OHCQ if their facility license is not correct.

### **E. Disaster Plans**

Mrs. Adcock introduced emergency personal medical information form from the CDC and a sample of the vial of life information from Verizon. She encouraged facilities to discuss with the patients the importance of keeping copies of their medical information in the event of an emergency.

### **F. TB Testing in Dialysis Facilities**

Mrs. Adcock referred the Commissioners to an article regarding TB in hemodialysss patients. She noted that the patients are particularly vulnerable to the disease, thus the importance of patient and staff testing.

**G. COMAR 10.07.01- Hospital and Special Hospital Proposed Patient Discharge Regulations**

Mrs. Schwarz noted that these regulations have been promulgated and are open to public comment. They address appropriate discharge planning in acute care settings, which is particularly important for renal patients.

**H. 2006 Commission Meeting Dates**

Mrs. Schwartz announced that the tentative meeting dates for Commission meetings in 2006 are January 26, April 27, July 27 and October 26. She requested that the Commissioners notify her if there are any schedule conflicts.

**I. Change of Ownership**

Mrs. Adcock reported that the following facilities have notified the Commission of change in ownership:

- o FMC Hyattsville changed ownership to St. Thomas More Dialysis Center, LLC 10/1/05
- o GHC Oxon Hill, GHC Silver Hill and GHC Beltsville changed ownership to Renal Advantage Inc. 10/1/05
- o Davita acquired the Gambro facilities effective 10/1/05

**J. Complaints**

Mrs. Schwartz reported that the Commission has received and investigated the following types of complaints since the last meeting:

Written

- o Complaint regarding social work services at a facility
- o Facility complaint regarding an abusive and threatening patient
- o Patient complaint regarding care at facility

**K. Citation Free Surveys**

Ms. Schwartz commended and congratulated the following facility for having a citation free survey:

**FMC Porter Dundalk  
A JOB WELL DONE!**

**L. Commission Approval/Disapproval for KDP Transplant Reimbursement**

The following Hospitals have been granted out of state transplant approvals:

Hospital	Granted	Refused
Washington Hospital Center	4	0
Inova Transplant Center @ Fairfax Hosp	0	0
Georgetown University Hospital	2	0
UPMC Health System/Presbyterian	0	0

Mrs. Schwartz noted that the Commission HAS THE AUTHORITY TO PRE-APPROVE out of state transplants for KDP certified patients, on the basis of continuity of care and/or geographic proximity.

**M. Surveys (22)**

The Commissioners reviewed the results of the surveys and the deficiencies noted:

**Deficiencies**

Compliance with Federal, State and Local Laws and Regulations	0
Governing Body and Management	8
Medical Supervision	0
Long Term Program and Care Plan	13
Patient Rights/Responsibilities	3
Medical Records	13
Physical Environment	11
Transmissible Diseases	3
Reuse	2
Affiliation Agreements	0
Director of Dialysis Center	1
Staff of a Renal Dialysis Facility	6
Minimal Service Requirements	3
Transplant Centers/ Affiliation Agreement	0
Abusive and Dangerous Patients	0

**N. Surveys Completed (22)**

The following facilities have been surveyed since the last meeting:

IDF Chestnut	DCA Chevy Chase
IDF Calvert	FMC Porter Dundalk
GHC JB Zachary	FMC S. Annapolis
Davita Berlin	Deer's Head
Renal Care of Seat Pleasant	Renal Care Partners-Prince Frederick
Davita Carroll County	Davita Germantown
Meadow Dialysis	Western Maryland Dialysis
Community Dialysis	Adventist Senior Living Dialysis Unit
Davita Laurel	Good Samaritan at Lorien Frankford
Davita Howard County	Davita Cedar Lane
FMC Porter Rosedale	Maryland Kidney Care-N. Charles

**CLOSED SESSION: Pursuant to Maryland State Government Annotated "10-508, on a motion made by Dr. Jeffrey Fink and seconded by Mrs. Tracey Mooney, the Commission unanimously voted to close its meeting on October 27, 2005 at 3:35 p.m., in room 108-109 for the purpose of complying with the Maryland Medical Practice Act that prevents public disclosures about particular proceedings or matters.**